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| Signature  | <i>Christopher M. Tucker</i> |
| Printed Name   | CHRISTOPHER M. TUCKER        |
| Date   | 1/20/06                      |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Michael JENKINS et al.

Application Serial No. : 09/858,082

Attorney Docket No. : X0105A

Filing Date : May 15, 2001

For : PERSONAL  
COMMUNICATOR

Examiner/Art Unit : Beamer, Temica/2681

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Sir:

**TERMINAL DISCLAIMER**

XYBERNAUT CORPORATION owns 100% interest in the subject application, U.S. Patent Application No. 09/858,082, by virtue of an assignment from the inventors of the subject application. The assignment of the subject application is recorded in the United States Patent and Trademark Office at Reel 011819, Frame 0422. XYBERNAUT CORPORATION hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the subject application, which would extend

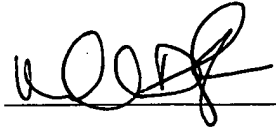
beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent Nos. 5,999,952 and 6,029,183. The owner hereby agrees that any patent so granted on the subject application shall be enforceable only for and during such period that it and U.S. Patent No. 6,757,551 are commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,757,551, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shorted by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the subject application or any patent issued thereon.

The undersigned is a duly authorized officer of the XYBERNAUT CORPORATION, which is the owner of the entire rights and interest for the subject application and U.S. Patent No. 6,757,551.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. D. Jenkins", is written over a horizontal line.

Michael D. Jenkins  
Vice President and CTO  
Xybernaut Corporation